

Appeals Panel Agenda

Members of the Appeals Panel

(Three members needed for this meeting highlighted)

Cllr N J Brennan (Chairman)

Cllr S Prutton (Vice-Chairman)

Cllr S J Catchpole

Cllr S M Clancy

Cllr K E Lawrence

Cllr M L Murrell

Cllr R E Potter

Cllr J L Thomas

Date & Time:

Monday 30 May 2022

9:30am for the site inspection

10.30am for the meeting

Place:

Site Inspection: 97 Thunder Lane Thorpe St Andrew NR7 0JP

Meeting: Trafford Room, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, NR7 0DU

Contact:

Dawn Matthews tel (01603) 430404

Email: committeebdc@southnorfolkandbroadland.gov.uk

Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

You may register to speak by emailing us at committeebdc@southnorfolkandbroadland.gov.uk no later than 5pm on Wednesday 25 May 2022

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

AGENDA

1. **To receive declarations of interest from members;**
(guidance and flow chart attached – page 3)
2. **To report apologies for absence and to identify substitute members;**
3. **To consider the minutes of the meetings held on 9 March and 16 March 2022:**
(minutes attached – page 7)
4. **Provisional Tree Preservation Order (TPO 2021 No 13) 97 Thunder Lane, Thorpe St Andrew** - to consider representations received to the making of the Order.

(procedure to be followed attached at page 5 and report attached at page 17)

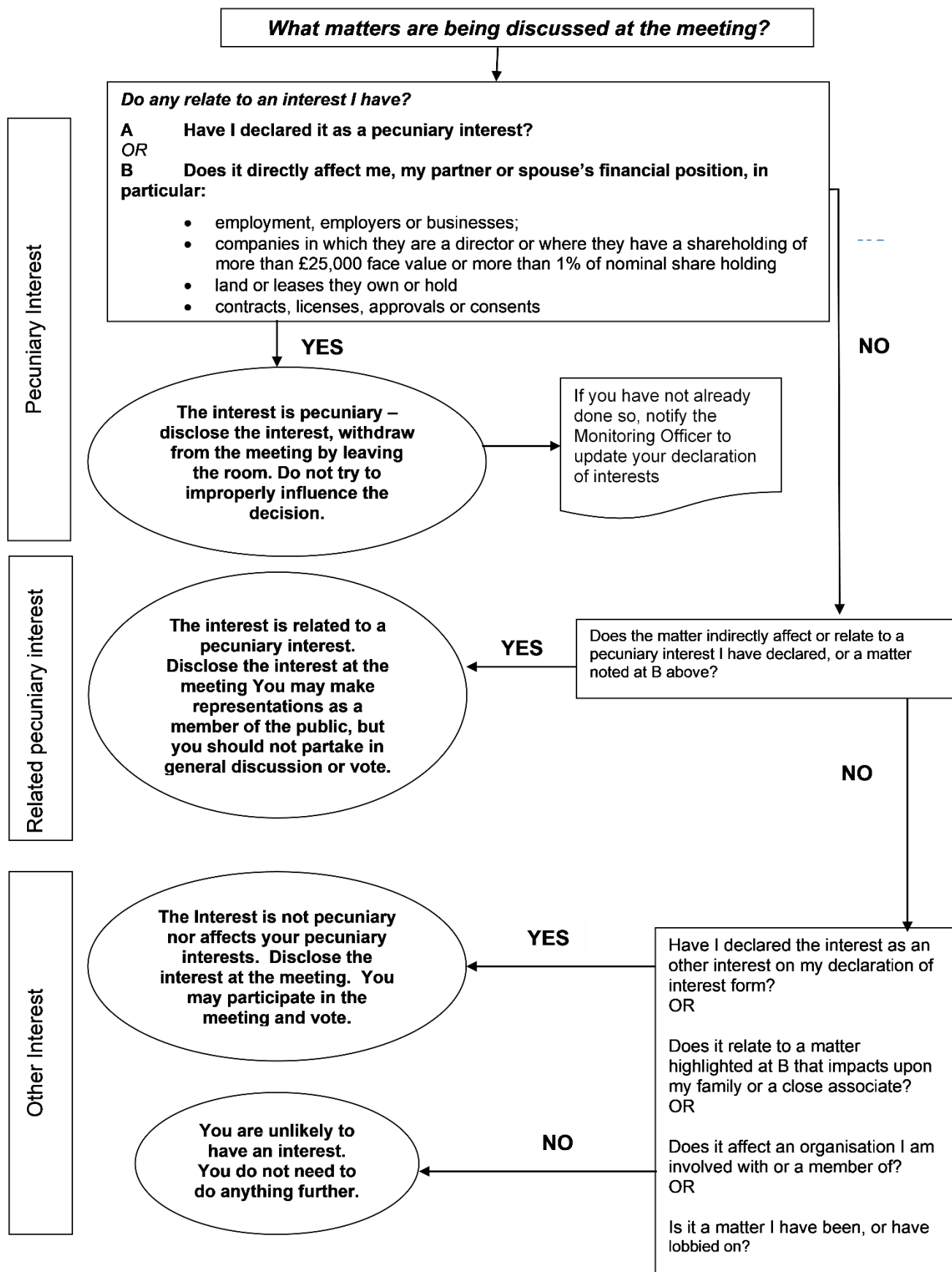
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.
Does the interest directly: 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in If the answer is "yes" to any of the above, it is likely to be pecuniary. Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.
Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above? If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.
Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST
INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Appeals lodged against the making of tree preservation orders (TPOs)

The panel comprises three district councillors. At least two members of the panel must be present at each hearing.

Notes on procedure

1. Site Visit

- 1.1 Before or on the day of the hearing, members of the appeals panel may visit the site to inspect the trees subject of the appeal. If the trees are not visible from the highway, arrangements will be made with the objectors for members to gain access to the area
- 1.2 Where it is not possible to hold a site visit, photographs of the trees will be made available to members.

2. The Hearing

- 2.1 All parties (public, local parish council/district council ward representatives, council officers directly involved in the TPO, and the objector) may attend the meeting which will be held in public. If any party cannot attend the meeting, they may appoint someone to act on their behalf or they may submit written representations for consideration. Note: If the objector cannot attend the meeting nor appoint an agent to act on his behalf and they decide to submit written representations, no cross question will be allowed of any party.
- 2.2 The chairman of the panel formally opens the hearing and explains the procedure.
- 2.3 The objector presents the case for objecting to the making of the order and calls any witnesses in support of their case.
- 2.4 The council's officer and panel members ask questions (if any) of the objector and their witnesses.
- 2.5 The council's officer puts the case for the making of the order and calls any witnesses in support of their case.
- 2.6 The objector and panel members ask questions (if any) of the council's officer and their witnesses.
- 2.7 Any parish council representative, or any district councillor (who is not a member of the panel) or member of the public present, may speak to the panel.
- 2.8 The panel, the objector and the council's officer ask questions (if any) of anyone speaking at 2.7 above.
- 2.9 The Council's officer makes a closing statement

- 2.10 The Objector makes a closing statement
- 2.11 A final opportunity is given to panel members to seek clarification on any outstanding matter
- 2.12 The panel members then retire to consider their decision in private (the representative of the assistant director governance and business support will accompany them to give advice on procedural matters).
- 2.13 The panel will re-join the public meeting and its decision will be announced in public with a summary of the reasons for making its decision.
- 2.14 The chairman will advise the objector of the right of appeal, as follows:

If any person is aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

APPEALS PANEL

Minutes of a meeting of the Appeals Panel of Broadland District Council, held on Wednesday 9 March 2022 at 10.30am at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich.

Committee Members Present: Councillors: N J Brennan (Chairman), K Lawrence and S Prutton

Speakers present: Mr and Mrs Williams - supporting

Officers in Attendance: The Conservation and Tree Officer (MS) – presenting the case for the Order and the Democratic Services Officer (DM)

9 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

No declarations were made.

10 APOLOGIES FOR ABSENCE

No apologies were received.

11 MINUTES

The minutes of the meeting held on 10 November 2022 were confirmed as a correct record and signed by the Chairman.

12 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2021 (No 9) 5 LAKE VIEW CLOSE GREAT WITCHINGHAM NR9 5BS

The Chairman welcomed everyone to the meeting and explained the procedure. Prior to the meeting, the Panel had taken the opportunity to visit the site and view the tree and its location. Mr and Mrs Williams were in attendance at the site meeting.

In the absence of the objectors, the Democratic Services Officer read out an email from the objectors confirming that they wished to confirm their objections to the order for the reasons outlined in their original representation. The tree was not a native species, it had not as yet reached maturity but was

already too large for its surroundings and its roots were causing damage to the property at 9 Ladys Row.

The Chairman then invited the Conservation and Tree Officer to make the case for the making of the Order. The Conservation and Tree Officer explained that the Order had been made following receipt of a TPO suggestion form from the owner of the tree raising concerns that the tree was at risk because of the planning permission granted on the neighbouring property to demolish the existing bungalow and replace it with a house. There were concerns about potential damage to roots of the tree and also concerns about inappropriate pruning of the tree. The owners of the tree had stated that inappropriate pruning of a different tree had been undertaken in the past in accordance with common law rights to cut back growth to the boundary.

The Conservation and Tree Officer stated that discussions had been held with the planning case officer which had established that the proposed dwelling would be positioned further away from the tree. There were still concerns about the impact of the provision and use of a parking area to serve the new property and potential damage. Whilst the planning permission was able to offer protection to the tree during demolition and construction, there was no future protection against inappropriate pruning and potential root damage and a decision had been taken to serve the Tree Preservation Order to provide future protection.

The Conservation and Tree Officer went on to state that the main objections to the order related to the proximity of the tree to the building, damage to the wall and the surface of the driveway. His response to these concerns were detailed in the report. Despite the concerns, he was of the view that the tree should be protected. The form of the tree was unusual and there were very few trees in the Lake View Close/Ladys Row, with none being as significant as this tree. The tree met the criteria for making an order and had amenity value. A range of options were available to manage the impact of the tree and minimise nuisance. If the Order was confirmed, any application for remedial work to the tree would be considered and, subject to meeting the necessary guidelines, could be supported. An application for remedial works had been submitted by the tree owners and was currently being assessed.

The Conservation and Tree Officer invited members to confirm the order.

In response to questions, the Conservation and Tree Officer explained that the current tree works order included proposals for a 2-3m crown reduction and raising of the canopy over both driveways. (The tree owners shared photos of the proposed works.) He confirmed that the volume of crown reduction proposed may exceed the recommended amounts and would impact on the energy reserves of the tree, the reduction in height would remove some of the lever action on the union of the main trunks of the tree, reducing the risk of union failures. With regard to the installation of a new parking area for cars at the adjoining property, the Conservation and Tree Officer gave details of typical established practices for providing hard surfaced

areas for driveways within the area of a root protection zone which avoided the need for excavation and included the provision of a permeable surface. This avoided damage to root systems from excavation and allowed for adequate drainage through the permeable surface. He explained how the root protection area had been calculated. He estimated the age of the tree to be 30 - 35 years and confirmed that, whilst annual growth of tree root diameter was slower/less than the growth seen in the trunk, this growth could potentially cause issues for adjoining garden walls particularly if the walls did not have deep secure foundations. There were many ways however to mitigate this. With regard to the wildlife value of the tree, it was noted that the species did have some wildlife value in terms of providing cover and nesting sites, but that it was not as significant as other native species which had a greater association with insects. The value of the tree was enhanced by virtue of it being endangered in the wild.

The Panel then heard from Mr and Mrs Williams in support of the order. They stated that pruning work had been carried out to the tree 5-6 years ago by a qualified professional and they were very impressed with the work undertaken. They were hoping to engage the same professional for their latest proposals to manage the tree. The tree was a beautiful species, particularly in the autumn and its amenity value was very special. They believed other trees had existed in the location prior to the planting of the Maidenhair Tree. Mr and Mrs Williams stated they were concerned about the potential for unsuitable pruning of branches of the tree overhanging the neighbouring garden. A holly tree had previously been unsympathetically pruned hard to the boundary on the side of the neighbouring property destroying the overall shape of the tree. They were very concerned about this happening again and also the potential for damage to the tree by builders working on the neighbouring property. The maintenance work proposed to the tree would hopefully allow for any vehicles to pass under the canopy without damaging the tree. They felt the cracking of the tarmac driveways could be down to natural wear and tear.

It was noted that, if the tree was protected, this removed the common law rights for neighbours to prune the tree back to the boundary and any unauthorised works carried out would potentially constitute a breach of the order and could potentially lead to a caution or prosecution.

In summing up, the Conservation and Tree Officer reiterated that the protection of the tree by way of the planning permission granted would only apply during demolition and construction works. The Order had been made to provide long term protection for the tree.

With the exception of the Democratic Services Officer, all present then left the meeting whilst the Panel deliberated its decision. They were subsequently readmitted to the meeting and the Chairman announced the Panel's decision.

Having regard to all the information before them, both written and oral, and having regard to the criteria used to make the Order, the Panel decided (unanimously) to confirm the Order. The Panel was satisfied that the provisional TPO had been implemented and served in a just and appropriate manner and was expedient in the interests of amenity to make provision for the preservation of the tree. The Panel was also satisfied that the Council's criteria for making the Order had been met: the tree made a significant contribution to the local environment, there was no reason to believe it was dangerous, it had a life span in excess of 10 years, it did not present an unacceptable or impracticable nuisance and contributed to the biodiversity of the immediate area.

It was, accordingly,

RESOLVED to confirm the Broadland District Tree Preservation Order 2021 (No 9) 5 Lake View Close Great Witchingham.

If any person was aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

(The meeting concluded at 11.40am)

Chairman

APPEALS PANEL

Minutes of a meeting of the Appeals Panel of Broadland District Council, held on Wednesday 16 March 2022 at 10.30am at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich.

Committee Members Present:	Councillors: N J Brennan (Chairman), K Lawrence and S Prutton
Speakers present:	Cllr Clancy – local member – representing the objectors Mr and Mrs Ross
Officers in Attendance:	The Conservation and Tree Officer (MS) – presenting the case for the Order and the Democratic Services Officer (DM)

13 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

No declarations were made.

14 APOLOGIES FOR ABSENCE

No apologies were received.

15 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2021 (No 10) LAND WEST OF BRECK FARM LANE, TAVERHAM

The Chairman welcomed everyone to the meeting. Prior to the meeting, the Panel had taken the opportunity to visit the site and view the tree and its location. Mrs Ross and Cllr Clancy were in attendance at the site meeting. Mrs Ross had not appreciated she could attend the formal meeting and was now unable to attend. Cllr Clancy agreed to attend the meeting to represent her.

The Chairman invited Cllr Clancy to make the case for the objectors. Cllr Clancy spoke on behalf of Mrs Ross stating that, essentially there had been a misunderstanding in relation to this case. Mrs Ross was aware the tree was not on land she owned and she did not want to remove it. He suggested the wording she had used was not reflective of her intentions as she did not want to “cut it down”. She did however wish to see the tree pruned to reduce its impact on her garden and to rebalance the tree which had only been pruned

on one side by Norfolk County Council highway authority. Cllr Clancy appealed to the Panel to be pragmatic and take a common sense approach to assisting Mrs Ross to achieve the pruning of the tree. Their objection to the order and the Appeal process would be negated, if an agreed amount of pruning could be done.

In response to questions from members, Cllr Clancy stated he was aware that the TPO did not prevent works being carried out and that a tree works order to carry out works to a tree the subject of a TPO could be made by any party not just the tree owner.

Cllr Clancy reiterated that he was looking for some assurance that agreement could be given to pruning works to the tree to reduce its impact and improve its shape, subject to following due process.

In response, the Conservation and Tree Officer reiterated that the presence of an order on a tree did not prevent work being carried out. The order provided for a process by which any proposed work could be assessed to determine if it was necessary and appropriate in accordance with British Standards. It was essential to know the extent of the work envisaged and why it was needed before consideration could be given to any work being undertaken. The correspondence relating to this tree indicated that the Highway Authority did not see the need for any work to this tree. Cllr Clancy queried if the Highway Authority had undertaken an assessment as he could find no evidence of this taking place.

In response to a question regarding the cost of tree works, the Conservation and Tree Officer confirmed that the party making the tree works application would be responsible for the costs of the works but it would be open to applicants to come to arrangements with other interested parties if they wished. He added that the County Council had robust tree management policies in place and that the expectations of Mrs Ross as to the work needed to the tree may not align with those of the County Council.

The Conservation and Tree Officer sought clarification as to whether the objection to the order was being withdrawn and Cllr Clancy stated there would be no objection to the order if there was a willingness to agree to some appropriate pruning works. If this could not be achieved however the objection to the order still stood.

In presenting his case, the Conservation and Tree Officer referred members to the background to the making of the Order as set out in the report. The Order had been made at the time as the tree was considered to be at risk. He understood that the serving of a TPO was often perceived by residents to be very formal but the Council was required to follow the necessary process for making an order. He emphasised that the TPO provided protection to the tree into the future and provided an opportunity to ensure any pruning works were necessary and appropriate. The objectors' main issues with the tree appeared to be loss of light, leaf debris and discolouration of the lawn. He suggested

that the condition of the lawn was more likely caused by moss in the grass and not the lack of water in the area around the tree. The seasonal nuisance of leaf debris was a common feature of all trees and not sufficient justification to not protect the tree. He made reference to another tree in the garden which had been subjected to pruning works which would not fit the framework of the British Standard. He stated he would be happy to discuss any remedial works with Mr and Mrs Ross in the future, but he invited the Panel to confirm the order.

In response to questions, the Conservation and Tree Officer confirmed that common law rights existed which allowed for the trimming of overhanging branches up to a property boundary if a tree was not protected but the same rights were not applicable to a protected tree. He also confirmed that, whilst the tree was positioned on highway land, the district council was the local planning authority with the power to make TPOs not the County Council. He confirmed that highway contractors were familiar with the process of seeking permission for works to protected trees and would usually involve a specialist tree officer in addition to the usual highway engineer.

The Conservation and Tree Officer confirmed that he had not received any information from the County Council about their comments on the tree not needing any remedial pruning. He also confirmed that, in carrying out any highway tree works, the engineers would consider the whole shape of the tree and, whilst their priority would be to carry out works necessary for the safety of the highway and clearance, they would have regard to the need to retain the balance and integrity of the tree and any work undertaken would reflect this. With regard to telephone wires, he added that work would be undertaken if it was necessary to provide clearance around service cables to avoid rubbing. This work could be done without the need for a tree works application as it was exempt. The difficulty was identifying the responsible person/body to undertake this work, often leaving residents to remedy problems themselves.

Cllr Clancy suggested that previous work to this tree had been undertaken without regard to the overall balance of the tree and had focussed on pruning branches on one side of the tree adjacent to the highway.

The Panel then heard representations from Cllr C Karimi Ghovanlou. Cllr Karimi-Ghovanlou was unable to attend the meeting, but she had circulated her written submission to members of the Panel and it was read out at the meeting as follows:

I was first contacted by Mrs Caroline Ross on 19 September 2021, with regards to a large oak tree situated on Breck Farm Lane in Taverham, some of whose branches overhung her back garden. She was enquiring if I knew who owned the tree (see Appendix 1), as she had been unsuccessful in establishing this herself. Mrs Ross stated she was "fed up clearing leaves and

acorns from her garden and was concerned that branches are over hanging a telephone line.” I replied to Mrs Ross, asking her to be patient, whilst I researched who is responsible for the upkeep of the tree, as I was slightly concerned regarding a comment she made in her original email asking if she was within her rights to cut the tree down. If any work was done to the tree, I wanted to make sure it was completed professionally, as the group of trees to which this one belongs are extremely mature Oak trees which have been there many decades, possibly over a hundred years old. I asked for a TPO to be placed on the tree to protect it. Broadland’s tree officer, Mark Symonds, advised that the oak was not the responsibility of the District Council, but advised that Mrs Ross does have the right to cut overhanging branches back to her boundary under the “Common Law Right”, but she has no right to remove the tree as she is not the owner of the land, and it would be considered criminal damage. This information I passed on to Mrs Ross on the 27 September 2021 and cc’d in Cllr. Stuart Clancy as the County Councillor for Taverham. Mrs Ross replied questioning why the tree had not been maintained over the years and was unhappy to employ an arboriculturist as it would cost ‘hundreds of pounds.’ The next day I received an email from Ryan Groom (Highway Boundaries Team on 28 September 2021) who informed me that the “tree is within highway, meaning it is for the highway authority to maintain” (see Appendix 2). I therefore sent in a request to Highways to survey the tree and to do any remedial works necessary for Mrs Ross: **Ref No. ENQ900193874** – Unfortunately, the reply from Highways was that they had assessed the job and they decided that no action needs to be taken at this time, which was disappointing, but in some part reassuring in that they presumed there was no danger of any of the branches falling and damaging the telephone line. In conclusion, the reason I asked for a TPO to be placed on the tree was that I was concerned for the protection of the tree, and any work that might have been done on it. This is one of three extremely mature oak trees on Breck Farm Lane. They have been growing there way before the houses were built and I was worried that any work the resident wanted to do on this particular tree, would maybe damage the tree in some way. I thought I was doing the right thing protecting this tree and helping the resident to get the tree trimmed professionally. We should be protecting our natural asserts as best we can, as they are getting fewer as housing growth expands.

Appendix 1 stated

“I live at Broom Close and back onto Breck Farm Lane, the dead end road leading down to the farm. The reason I am contacting you is because we have a very large oak tree growing behind our house which is not within our garden boundary but just behind the wall of our garden. The oak tree is becoming overgrown and is very tall and now overhangs the telephone line into our garden as well as next doors. There is no preservation order on the tree and when I’ve contacted the District Council and Norfolk County Council I am told that nobody owns it and nobody seems interested in maintaining it. Do you know if anyone should be maintaining this tree please, and if nobody is, are we within our rights to cut it down please? I’m fed up with clearing up

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leaves and acorns in the garden and not being able to use the corner of the garden in fear of being hurt by dropping branches and acorns. I love gardening, wildlife and nature but the tree is becoming a really nuisance”.

Appendix 2 stated:

“I’ve had a look this afternoon and it looks as though this tree is within highway, meaning it is for the highway authority to maintain, not the adjacent landowner. I have attached a plan showing the extent of the public highway at this location. It shows that the highway boundary feature is the garden fence/wall of the properties, and anything between this fence and the wall is within public highway.

As my colleague Luke mentioned, it’s important to note that while this area has highway rights over it, the land is not owned by Norfolk County Council. Unless land is owned by ourselves, we don’t have a record of who ownership lies with. Hopefully this helps, but if there’s anything else you need, please let us know.”

In summing up, Cllr Clancy reiterated his desire to see a common sense resolution to this matter with all interested parties working together to achieve a sensible outcome.

The Panel noted that, should the order be confirmed and a tree works application be made, a dialogue would likely take place between interested parties to ensure that works were appropriate and necessary. An appeal process was also available against any refusal to grant works applied for.

In response to a question, the Democratic Services Officer confirmed that the Panel was required to consider whether or not to confirm the order, it was not within the gift of the Panel to propose any other course of action or conditions.

With the exception of the Democratic Services Officer, all present then left the meeting whilst the Panel deliberated its decision. They were subsequently readmitted to the meeting and the Chairman announced the Panel’s decision.

Having regard to all the information before them, both written and oral, and having regard to the criteria used to make the Order, the Panel decided (unanimously) to confirm the Order. The Panel was satisfied that the provisional TPO had been implemented and served in a just and appropriate manner and was expedient in the interests of amenity to make provision for the preservation of the tree. The Panel was also satisfied that the Council’s criteria for making the Order had been met: the tree made a significant contribution to the local environment, there was no reason to believe it was dangerous, it had a life span in excess of 10 years, it did not present an unacceptable or impracticable nuisance and contributed to the biodiversity of the immediate area.

In arriving at this decision the Panel expressed its wish to see all interested parties working together in respect of any tree works application.

It was, accordingly,

RESOLVED to confirm the Broadland District Tree Preservation Order 2021 (No 10) Land West of Breck Farm lane, Taverham.

If any person was aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

(The meeting concluded at 11.30am)

Chairman

STATEMENT OF CASE

Provisional Tree Preservation Order (TPO 2021 No.13)
97 Thunder Lane, Thorpe St Andrew.

Report Author(s): Mark Symonds
Conservation and Tree Officer (Majors Team)
01603 430452
mark.symonds@southnorfolkandbroadland.gov.uk

Portfolio: Planning

Ward(s) Affected: Thorpe St Andrew

Purpose of the Report:

To brief the Panel on the representations received to the making of a Provisional Tree Preservation Order and invite the Panel to consider the representations made and decided whether to confirm or not to confirm.

Recommendations:

1. It is recommended that the Panel consider the representations received and determine whether to confirm the Order or not.

1. Summary

- 1.1 This report sets out the reasons why an Order was made, the representations received and the officer's response to those representations.

2. Background

- 2.1 T1 Monterey Cypress tree (*Cupressus macrocarpa*) is located on land to the south of the rear garden of No.97 Thunder Lane in Thorpe St Andrew, within a verge adjacent to the entrance of Lodge Place and west of Thunder Lane and the junction of Hilly Plantation.
- 2.2 The Cypress tree is growing on a verge which is unregistered land owned by the beneficiaries of the estate to the now deceased developer, whose company built the properties on Lodge Place.
- 2.3 The Provisional Tree Preservation Order (PTPO) was requested by a local resident as they had concerns the tree maybe at risk of being felled, as the owners of number 97 Thunder Lane had notified all their neighbours on the 28th November 2021, that they had instructed a tree surgeon to fell the tree on Thursday 2nd December 2021.
- 2.4 The Council decided to make the Provisional Tree Preservation Order (PTPO) in order to protect the Cypress tree for the reasons stated within the Regulation 5 Notice: *'The Council has made the order to safeguard the significant visual amenity and biodiversity value offered by the tree to the immediate area and the wider environment'*.
- 2.5 Following the serving of the original PTPO the Council received one letter of objection from the owners of No.97 Thunder Lane, Thorpe St Andrew and eight letters of support.

3. Current position/findings

- 3.1 The case for making the order is set out at appendix 1.
- 3.2 The representations received to the making of the order and the officers comments on these are attached at appendix 2.
- 3.3 The criteria used to determine the making of an order is set out at appendix 3.
- 3.4 Correspondence relating to the TPO request is set out in Appendix 4.
- 3.5 Copy of the order/notice/letter to residents set out at appendix 5.

4. Proposed action

- 4.1 The officer's view is that the order should be confirmed.

5. Other options

- 5.1 Members could also come to the conclusion that the tree is not worthy of protection and the order should not be confirmed.

6. Issues and risks

- 6.1 The risks involved in not protecting the tree are that it could be felled.
- 6.2 **Resource Implications** – none
- 6.3 **Legal Implications** – none
- 6.4 **Equality Implications** – none
- 6.5 **Environmental Impact** – the felling of the Cypress tree would deplete the tree cover within the district and remove the many benefits the tree provides, including the sequestration of carbon through the removal of carbon dioxide from the atmosphere and the destruction of the habitat it provides for wildlife.
- 6.6 **Crime and Disorder** – none

7. Conclusion

- 7.1 The Cypress tree identified as T1 within the Provisional Tree Preservation Order (PTPO) contributes to the visual amenity of Thunder Lane, Lodge Place and Hilly Plantation, due to its size, form and prominent location.
- 7.2 The tree is not considered to be in an unsafe condition at this time
- 7.3 The tree should have a remaining lifespan exceeding ten years, barring any unforeseen circumstances.
- 7.4 I do not believe the tree will cause an increase in nuisance which would be considered unreasonable or impractical to abate in the future.
- 7.5 This PTPO has been implemented and served in a just and appropriate manner.

8. Recommendations

8.1 It is recommended that the Order be confirmed.

Appendices attached

Appendix 1 – Case for making the order

Appendix 2 – Representations received and the officer comments on these

Appendix 3 – Criteria used for making the order

Appendix 4 – Correspondence relating to the TPO request including Support and Objection to the order

Appendix 5 – Copy of the Order/notice/letter to resident

Appendix 1 – Case for making the TPO 2021 (No.13)

How does the tree, subject of this report, make a significant contribution to the local environment?

The Cypress tree is significant due to its size, form and prominent location, contributing to the visual amenity of the immediate and surrounding area, clearly visible to the public from Thunder Lane and Hilly Plantation and a notable feature at the entrance to Lodge Place.

Is there a reason to fear the tree may be dangerous?

No evidence has been provided to identify that the tree would be considered dangerous.

The tree appears to be in good physiological health and with no significant structural defects having been identified. The tree did contain two storm damaged lower limbs, both of which have been removed following consultation with the Councils Tree Officer and since the provisional order was made.

What is the expected lifespan of the tree, barring unforeseen circumstances?

At the present time the tree would be considered as early-mature and if it remains healthy, should have a considerable remaining life span well in excess of 10 years.

The species has been recorded up to an age of 284 years in its native area, although as an introduced species to the UK (Circa 1838) its potential age limit here is still unknown.

Does the tree, in its present location, show signs of causing a nuisance in the future which is unacceptable or impractical

The tree is located on a verge which is adjacent an adopted public access road and approximately 6-8m from the rear and side elevations of No.97 Thunder Lane.

Some of the trees canopy does overhang the rear garden of No.97 by approximately 6m and the trees lower trunk extends over the boundary and the close boarded fence has been modified to accommodate this.

If it was considered necessary the owners of No.97 would be able to make a Tree Work Application to have the trees canopy lifted or the lateral branches reduced back, this work would be consented if the work specified followed the recommendations within British Standard 3998 Tree Work.

In my opinion, the future retention of the tree will not be the cause of a nuisance that is unacceptable or impractical for the foreseeable future.

How does the tree contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife

Monterey Cypresses (*Cupressus macrocarpa*) are not native to the UK and originate from the Central Pacific Coast of California in the USA, and in the wild are now found growing at only two remaining locations.

The species conservation status is listed as '*vulnerable*' on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species.

Its value for wildlife in the UK would include being a host to insects and also for providing nesting sites, food and shelter for many birds and also small mammals.

Appendix 2 - The representations received to the making of the order and the officer's comments on these.

The Council has received eight letters of support and one letter of objection to the making of TPO 2021 (No.13).

I have summarized the points made in support and objection below.

Comments made in support

- 1 This beautiful tree is home to many nesting birds and squirrels.
- 2 There is so much development going on in this part of the city where many trees will have to be removed and once again nature will be lost, so please do not let our tree become part of that. Anyone visiting this part of the city are always amazed of the wooded area that surrounds us, please let it remain that way, we are being informed constantly to plant trees for the future, so why would you have this beautiful healthy tree felled.
- 3 I have lived at Lodge Place since 1984 and in that time the tree has become part of our living and it provides us with a degree of security and privacy. If it was removed this would disappear in the blink of an eye and would certainly change the character of Lodge Place forever. The tree also acts as a screen, providing this privacy for all the residents but especially 93 Thunder Lane, 2 Lodge Place and 1 Lodge Place. If removed the property No.97 would immediately overlook all three of the above and the whole area would be totally opened up and spoilt. I hope that it stands for another 100 years. Once it's gone it's gone forever.
- 4 This historic and sizeable tree provides a number of benefits to our area, Social –It makes the locality more pleasant and provides a feeling of tranquillity to live surrounded by or near trees. Communal – Enhances views in the area, reducing glare and providing shade. Environmental – Improves air quality, homes the local wildlife.
- 5 We have in our garden a large number of trees with TPO's on them and regard this as a good thing for the area. Thorpe St Andrew in general and Thunder Lane in particular, has a good number of mature trees of a delightful variety which makes the area what it is to live in, apart from no doubt doing it's bit for the planet. We regard ourselves as custodians of our trees for future generations and this Cypress is very much part of that area and so should also be preserved for future generations. We very much hope you will, after due revue, see fit to make this TPO permanent to protect it for many years to come for all.
- 6 The tree is grand and striking. It can be seen from all the surrounding roads, Thunder Lane, Hillcrest Road and Hilly Plantation. The tree is in keeping with the natural area around Thunder Lane, which as you may be aware, is tree lined throughout. It is a beautifully tree lined stretch of road. It is a wonderful area for nature and tranquillity, including a conservation area.
- 7 The area is a peaceful haven in a bustling suburb. The loss of the tree would dramatically affect the feeling of peace, tranquillity, and nature in the surrounding area, due to its size and impact. We also see an abundance of birds flying to and from our garden from the tree. We have spotted Jay birds, magpies, wood pigeons, blackbirds, and more, using the tree as their home. We have even heard owls at night.
- 8 From a land-owner's perspective, the beauty and nature of our area very much depends upon historical trees being protected. Homes surrounded by nature and,

in particularly trees, are considered more valuable than those without. The trees in this area are crucial to its ambience and uniqueness.

- 9 Wildlife and nature have always been important to us as a family and me personally even as a younger person, I always spend a lot of time watching the wildlife and have seen them enjoying the freedom of that tree and many a baby bird leaving their nest.
- 10 Trees of that scale within a city like Norwich, given the immense and increasing socio-political emphasis upon air quality and environmental issues, should be protected and fought for rather than destroyed.
- 11 My family and I have lived in lodge Place since the site was developed in 1985, the trees and rural feel was what attracted us to this area, an aesthetically pleasing environment to bring up our family. It has a majestic trunk and its branches provide endless natural habitats. Trees, such as this, are so important to our overall health and wellbeing. So much wildlife would lose their homes, and the whole tranquil feeling when driving into our close, would be lost forever.
- 12 The Cypress tree is a magnificent specimen and is a focal point for the close, it is a very impressive sight. I do hope the TPO is made permanent and that the Cypress tree is here for many more years to come.

Comments made in objection

- 1 Its size - it has grown to 40ft plus to date. The radius of the branches are substantial and have an unmanageable overhang and reach.
- 2 The appeal tree attracts squirrels who use the overhang branches to launch themselves onto the roof and have entered the loft space causing damage. Should they chew through any wiring there is the potential to cause a house fire.
- 3 The Leaves and detritus constantly block the gutters and prevent the free flow and collection of rain water into the environmental water barrels provided by Norwich council.
- 4 We considered solar panels as we are environmentally conscious but due to the height and overhang of the appeal tree which blocks most of the sun and daylight out for significant parts of the day, we were told that it would be a wasted expense.
- 5 The roots of the mature appeal tree have already grown and reached under the road and pathway causing damage which Norwich council have had to repair at the expense of the tax payer, these roots are also fully cemented underneath our property.
- 6 In the opinion of a professional tree surgeon the appeal tree has grown too large and is too close to our property being less than 6 meters away. It poses a real threat of root damage to the foundations of the property and is a potential risk to property and life should it be brought down by unpredictable severe weather conditions. He informed us that any tree over the height of 20ft should be a minimum of 15 meters away this is less than 6 and double the height.
- 7 We experience increasing difficulty year on year trying to get insurance at an affordable price because of the close proximity of the appeal tree to the property.
- 8 The appeal tree grows on a small strip of unadopted land and therefore, no one assumes responsibility for this tree. The corollary of this is that no one professionally maintains or monitors it with inferred costs.

- 9 The exponential growth of the appeal tree is a potential risk to life and property, and is increasingly potentially at risk of Acts of God (see 6). We have just witnessed the carnage caused by unpredictable severe weather conditions in the north of England. This causes us to be more worried and stressed about the close proximity of the appeal tree to our house.

Tree Officer Responses to the main points of objection

- 1 The trees height and canopy dimensions and the proximity to No.97 Thunder Land cannot be disputed, although the trees canopy overhang would not be considered unmanageable, as it would be possible to undertake reduction of the longer lateral branches, if the work was considered necessary and was justified and followed the recommendations within the British Standard for Tree Work BS 3998.
- 2 Squirrels being wild animals have the freedom to roam and use the tree for shelter and food as this is their natural habitat, the reduction of the longest lateral branches as already described may help discourage them accessing the roof of the property and if combined with additional exclusion measures, such as covering the external gaps within the loft with steel netting, this should prevent access to the squirrels and would be a more proportional action than felling the tree.
- 3 Seasonal nuisances such as leaf and seed fall would be expected if there are mature trees in the vicinity and wouldn't justify the removal of a healthy protected tree, it is possible to install gutter guards to prevent the leaf fall and other detritus from blocking the guttering and entering the downpipe to the water barrels.
- 4 Due to its size and location the Cypress tree will overshadow the garden and side and rear elevations of the dwelling at No.97 Thunder Lane at certain times of the day. Although as the tree is growing on land which is not under the same ownership as No.97, although the north and east elevations are not overshadowed by the tree. As the tree is located on land which is not under the same ownership as No.97, the owners of that property have limited options to mitigate the overshadowing, as their 'common law rights' don't extend to allowing an adjacent resident to reduce the height of a tree, which is growing on land that is not under their ownership.
- 5 Norfolk County Council Highways are the authority responsible for the adopted access road at Lodge Place, and its inspection and any necessary maintenance works required by the Highways Act 1980, would be undertaken by the County Council, damage caused by surface roots to the wearing surface or highway curbs is a common occurrence where trees are growing adjacent to the highway and this is often easily resolved by undertaking root pruning and then reinstating the curb edges and wearing surfaces, rather than having to fell lots of roadside trees, which would also remove the many benefits the trees provide.
- 6 The risk to a property from tree roots is most often associated with '*tree root related subsidence*' which occurs if a tree desiccates the subsoil soil beneath a property which has been built with an inadequate depth of foundations to safeguard it from structural movement due to the seasonal fluctuations of the soils moisture content. The subsoil type which is usually associated with this type of foundation movement is shrinkable clay. At this location the subsoil type is not known to be defined as a shrinkable clay and no evidence has been provided prior to this hearing, that the tree's roots have caused any damage to the property.
- 7 Often insurance companies apply generic limits on the distance trees are allowed to be retained in proximity to a dwelling and this is often stated as 15m, but which don't take account of the actual risk associated with the individual locations and

which are often unfounded and are only applied to reduce their risk to future liabilities associated with those insurance policies.

- 8 Although the land the tree is growing on is not recorded with ownership details by the Land Registry, it will be owned and the land owners still have a '*duty of care*' in respect to the tree, it is acknowledged that the land being unregistered makes contacting the owners difficult, but not impossible as the Last Will and Testament of the deceased builder, that owned the land is publicly available and it shows details of solicitors who acted for owner and names those who were the trustees at that time.
- 9 No factual evidence has been provided prior to the hearing to demonstrate that the tree would be considered dangerous, is a risk to life or that it has caused damage to the property or poses an unacceptable risk. If in the future such evidence was provided as part of a formal Tree Work Application the Council would consider this and consent works which were shown to be necessary. The tree is significant from in the local landscape from a public perspective, due to its size, form and prominence. If it was removed replacing the tree with a small sapling would have very limited value, as it would take decades for any replacement tree to attain the size and benefits it provides. The reason the tree wasn't protected prior to this PTPO being served, was because there was no known threat of it being at risk of removal.

Appendix 3 - The criteria used to determine the making of an order

- THE CASE FOR MAKING A TREE PRESERVATION ORDER (TPO)
 - Within Chapter 8, Part VIII, Special Controls, Chapter I under Sections 197, 198 & 201 of the Town and Country Planning Act 1990 the Council has powers to protect and plant trees where it appears 'expedient in the interest of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order'.
 - 'Amenity' is not defined in law, so authorities need to exercise judgement when deciding whether it is within their powers to make an order.
 - However, in March of 2014 the Department for Communities and Local Government (DCLG) issued a guide to all LPAs on TPOs entitled – Tree Preservation Orders and trees in conservation areas. This guide indicates that:
- A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interest of amenity.
- An order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands. Protected trees can be of any size or species.
- Local Planning Authorities (LPAs) should be able to show that a reasonable degree of public benefit in the present or future would accrue before TPOs are made or confirmed. The trees, or at least part of them, should normally be visible from a public place such as a road or footpath.
- The risk of felling need not necessarily be imminent before an Order is made. Trees may be considered at risk generally from development pressures or changes in property ownership, even intentions to fell are not often known in advance, therefore precautionary Orders may be considered to be expedient.
- The guidance also indicates that LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured way, taking into account the following criteria:
 - Visibility
 - Individual & collective impact
 - Wider impact
 - Other Factors
 - Size and form;
 - Future potential as an amenity;
 - Rarity, cultural or historic value;
 - Contribution to, and relationship with, the landscape; and
 - Contribution to the character or appearance of a Conservation Area.
- Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change.

- The guidance further indicates that it is important to establish a consistent approach, therefore the following points are considered before recommending a TPO:

Broadland District Councils Five Criteria to Justify Making a TPO

- Does the tree that is the subject of this report make a significant contribution to the local environment?
- Is there a reason to fear that the tree may be dangerous?
- Can the tree be expected to live for longer than ten years, barring unforeseen circumstances?
- Does the tree in its present location show signs of causing a nuisance in the future which is unacceptable or impractical?
- Does the tree contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?

Appendix 4

REF. TPO 2021 No. 13.

Janet Lowndes
1 Lodge Place
Thorpe St. Andrew
Norwich NR7 0LA

Mark Symonds
Conservation & Tree Officer
Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St. Andrews
Norwich NR7 0DU



Dear Mark Symonds

When we decided to move to Norfolk a few years ago, we wanted to live near the city but with a rural outlook, in which we found in no 1 lodge Place, a house surrounded by mature trees and shrubs, which once formed part of the original estate in the 1800 hundreds many of these beautiful trees still remaining.

The tree in question is well over a 100yrs old enjoying its life well before houses and roads were built, I am very keen on wildlife still feeding hedgehogs and enjoying foxes, roe deer entering our garden, this beautiful tree is home to many nesting birds, squirrels and enjoyed by many nature lovers. We actually have a very mature tree in our neighbours garden about the same age and even perhaps taller which is very much closer to our house than the one in question; at some point it might have to be slightly pruned but would never consider having it felled.

There is so much development going on in this part of the city where many trees will have to be removed and once again nature will be lost, so please do not let our tree become part of that.

We were only given 3 days notice from this couple of the removal of this tree, so if we had been away we would have come back to a very ugly out look, not only minus the tree but we were informed that the stump would not be removed, so how would a replacement tree be planted in its place! This couple have only moved in this year so why did nothing about the tree show up on their survey? the previous occupants have never complained regarding the tree and have always appreciated it, we were quite happy to have it professionally pruned but they were not interested and quite determined to have it felled, any tree can have their surface roots shaved if its lifting up slabs ect as the council have already done on the path in front of the tree which was only a couple of weeks ago, this couple have no interest in this beautiful tree, if they did not appreciate the tree or perhaps wanted more sun in the garden then they should not have purchased the house in the first place. Anyone visiting this part of the city are always amazed of the wooded area that surrounds us, please let it remain that way, we are being informed constantly to plant trees for the future so why would you have this beautiful healthy tree felled.

Yours a very concerned lover of trees

Mrs J Lowndes





2.Lodge Place

Thorpe St Andrew

Norwich NR7 0LA

7 December 2021

On Sunday 28th November I received notification that the large cypress tree on Lodge Place was going to be felled by an unnamed tree surgeon on the instruction of the residents of 97 Thunder Lane.

This was not a request it was statement of fact with no consultation to any of the local residents. As you can imagine this came as a great shock as the tree is extremely old with a beautiful spectacular size.

The reason given was that the fence behind the tree was being lifted and No 97 feared that the roots could be presenting a problem to their house.

The previous residents of No 97 never had such an issue- they lived their for over 20 years and moved out 6 months ago.

No evidence was submitted and on viewing the area around the tree, no immediate evidence was noted

This large cypress tree is spectactular in size and can be seen from some way off . It has stood for way over 100 years with nobody complaining about it in all that time. If you look at the tree it over hangs Lodge Place but only a very small number of branches over hang the garden of No 97. I believe the previous residents looked after the over hanging branches and kept them in check.

We were informed on Sunday 28th that the tree would be removed on Thursday 2nd December and the road would be closed from 8 am to 4pm when the work would be completed. IF the tree was to be removed it would take a lot longer than 8 hours as the tree is rather large. We feared

that the unnamed tree surgeon would not do a professional job in this time.

On Tuesday 30th November the Council granted a TPO which lasts for 6 months. Therefore we are asking for your support to make the TPO permanent

This tree has stood on a small strip on land which we believe is owned by the builder of the properties in Lodge Place- Mr Ronnie Maidstone, who has recently passed away. I knew Ronnie really well and he most certainly would not want this tree to be felled.

Added to this No 97 stated that they would not pay for the stump to be removed and it would be up to the residents of Lodge Place to pay for this and plant another tree as a replacement.

I have lived at No 2 Lodge Place since 1984 when I bought the property off of Ronnie and in that time the tree has become part of our living and it provide us with a degree of security and privacy. If it was removed this would disappear in the blink of an eye and would certainly change the character of Lodge Place for ever.

The tree also acts as a screen, providing this privacy for all the residents but especially 93 Thunder Lane, 2 Lodge Place and 1 Lodge Place. If removed the property at No 97 would immediately overlook all three of the above and the whole area would be totally opened up and spoilt.

It was ironic that we received this notification in Save a Tree week and we are constantly being told that trees improve air quality, attract and home wildlife, helps to moderate climate and shield our properties from the excessive wind that we have been experiencing recently.

At this time. Lodge Place has a definite character , if the tree was to be removed the landscape would be changed for ever, never to be returned to its present glory

The way that No 97 went about this plan has been completely wrong. They

are new residents to this area and this course of action has certainly been presented without consideration to the tree and the residents of Lodge Place, with absolutely no evidence at all of why this tree should be removed

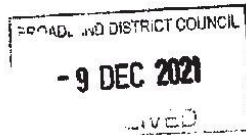
I hope that it stands for another 100 years , although I am certain that professional pruning would help it to be an even more beautiful tree for future generations and residents to enjoy

Once its gone its gone for ever

Kind regards



Graham A Wren - No 2 Lodge Place



'Timbers'
2, Lodge Place,
Thorpe St. Andrew
Norwich. NR7 0HA
06-12-2021

F.R.O. Ms. T. LINCOLN.

My name is Anne Wren. My family and I have lived in Lodge Place since the site was developed in 1985 by Ronnie Maidstone. The trees and the rural feel are what attracted us to this area, an aesthetically pleasing environment to bring up our two daughters. Many of the trees in our close have, quite rightly, T.P.O's on them. I've no idea why this beautiful fir tree on the right hand side as you enter Lodge Place, has sadly escaped this. It must be over a hundred years old. It has a majestic trunk, & its branches provide endless natural habitats. Please make our request for a temporary T.P.O a PERMANENT one. Trees, such as this, are so important to our

overall health and well being. These difficult
last two years have more than proved how
essential our natural environment is. To destroy
a part of nature that has stood its ground
for so many years would be criminal. So much
wildlife would lose their homes, and the whole
tranquil feeling when driving into our cove, would
be lost forever.

Yours Sincerely,

Anne Wren.

Ms T Lincoln
Development Manager
Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Norwich NR7 0DU



13/12/21

Dear Ms Lincoln

TPO granted 30/11/21 - CYPRESS TREE - LODGE LANE

I live in the close locality and write in support of the permanency and continuation of the TPO granted 30/11/21.

This historic and sizeable tree provides a number of benefits to our area:

- Social - It makes the locality more pleasant and provides a feeling of tranquillity to live surrounded by or near trees
- Communal – Enhances views in the area, reducing glare and providing shade
- Environmental – Improves air quality, homes the local wildlife.

Yours sincerely

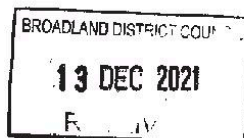

Sylvia Gambling

St. Andrews Villa, Hilly Plantation, Norwich NR7 0JL

Hayley Lowndes
5 Inglis Road
Addiscombe
CR0 6QW

8th December 2021

Mr M Symonds
Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Norwich
NR7 0DU



Dear Mr Symonds,

As I have lived at no 1 Lodge Place and have since left home to live in London, I wanted to let you know how strongly I feel about a beautiful tree that could be removed from that road.

Wildlife & nature have always been important to us as a family and me personally even as a younger person, I always spend a lot of time watching the wildlife and have seen them enjoying the freedom of that tree and many a baby bird leaving their nest.

There is a similar tree which grows in next door garden of my parents' house that overhangs into their garden, perhaps even taller and planted around the same time over 100 years ago, but they have never had any problems with it, so why should this one have to be felled.

So many trees are now being removed to make way for development which I only know too well living in London. In the new year we will be planting trees in our garden as so many nearby have been cut down unnecessarily.

I appreciate you taking the time to read this letter and I really hope that this tree will remain in situ along with the wildlife that live there.

Sincerely,

A black rectangular box used to redact the signature of Hayley Lowndes.

Hayley Lowndes



14th December 2021
Ms T Lincoln
Development Manager
Broadland Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich
NR7 0DU

Phil & Kim Rider
56 Thunder Lane
Thorpe St Andrew
Norwich
NR7 0JW

Dear Ms Lincoln,

Cypress Tree Lodge Place, Thorpe St Andrew

It has come to my attention that the Council granted a temporary TPO on the Cypress tree at Lodge Place on 30th November which lasts for an initial six months.

I am writing to you to register our support of making this TPO permanent. We have in our garden a large number of trees with TPO's on them and regard this as a good thing for the area. Thorpe St Andrew in general and Thunder Lane in particular, has a good number of mature trees of a delightful variety which makes the area what it is to live in, apart from no doubt doing it's bit for the planet.

We regard ourselves as custodians of our trees for future generations and this Cypress is very much part of the area and so should also be preserved for future generations.

We very much hope you will, after due revue, see fit to make this TPO permanent to protect it for many years to come for all.

Yours sincerely


Phil & Kim Rider

Ms T Lincoln
Development Manager, Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0DU

19th December 2021



Dear Ms Lincoln,

Re: TPO - Cypress Tree on Lodge Place, NR7 0JP

I am writing to you with reference to a Tree Preservation Order made on 30th November 2021 against the large cypress tree on Lodge Place, NR7 0JP.

This magnificent tree is located directly opposite to my daughter's house at 93, Thunder Lane and I am a frequent visitor to her home every week to care for my two grandsons. I am aware that she has been involved in successfully requesting an urgent Tree Preservation Order from Broadland District Council in response to information from new neighbours at 97, Thunder Lane that they intended to fell the tree with absolutely no consultation with neighbours or, indeed, the council itself.

I write in total support of hers and other neighbours' efforts to prevent the felling of this superb tree and to instead have a permanent TPO placed upon it. As you will see when you visit the site it is a huge, flourishing specimen, full of wildlife (birds, squirrels, owls, and possibly bats) and a wonderful example of the very distinctive, historically significant tree-laden area around Thunder Lane and that section of Thorpe St Andrew.

My grandsons adore the tree as do I. Trees of that scale within a city like Norwich, given the immense and increasing socio-political emphasis upon air quality and environmental issues, should be protected and fought for rather than destroyed. I find it incredible that residents would take it upon themselves to instruct someone to fell a tree which was neither on their land nor belonged to them, equally that any responsible 'tree surgeon' would even agree to doing this without consideration of the wider issues at stake. The total absence of any documentary evidence that attests to the claims of the tree being a so-called 'danger' is, I think, highly dubious and should certainly be investigated.

This wonderful tree can be seen from far around Thunder Lane, Hillcrest Road and Hilly Plantation and exemplifies the beautiful surrounding landscape and conservation area. Not only does it provide an important sense of peace, health and wellbeing within the local community, all the more significant in these pandemic times, it also provides privacy for the residents of Lodge Place from nearby roads.

I wholeheartedly support the request to make permanent the current 6 month TPO so that this spectacular, important tree is protected in future from anyone seeking its destruction.

Yours sincerely,

Professor Sue Morgan
86, Earlham Road
Norwich
NR2 3HA

Ms T Lincoln
Development Manager
Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich
NR7 0DU



Rebecca Calthorpe
North Lodge
93 Thunder Lane
Thorpe St Andrew
Norwich
NR7 0JP

14th December 2021

Dear Ms Lincoln,

Re: TPO - Cypress Tree on Lodge Place, NR7 0JP

I write to you regarding the Tree Preservation Order, made on 30th November 2021, in respect of the large cypress tree on Lodge Place, NR7 0JP, hereafter referred to as 'the tree'.

Background

On Monday 29th November 2021, the residents of 1 Lodge Place, 2 Lodge Place and ourselves (93 Thunder Lane) requested an urgent Tree Preservation Order from Broadland District Council with regard to the tree. The tree is located on the right-hand side as you drive into Lodge Place, and can be seen from many surrounding roads due to its spectacular size and age.

We did this after receiving information that the owners of the property adjacent to the tree (97 Thunder Lane), planned to have the tree felled without consulting any local residents. The residents of 97 Thunder Lane notified us on the evening of Sunday 28th November 2021 that they had instructed a local 'tree surgeon' to fell the tree on Thursday (2nd December 2021), hence the need for an urgent TPO.

I spoke with the residents of 97 Thunder Lane and requested information as to why they had made this decision. They told me that they considered the tree a threat to their property and that, in the words of their tree surgeon, 'the tree is only going to get bigger'. I suggested the possibility of having the tree lopped in order to control its size but they were adamant that they wanted the tree to come down. They also confirmed that they would not be prepared to pay for the removal of the tree stump, preventing any future planting of trees in that location. It seemed to me at the time, that we were not going to be able to reach a compromise and an application for an urgent TPO appeared to be the only way in which to protect the tree from immediate felling.

The next day, discussions with Mark Symonds of Broadland District Council resulted in the council granting a Tree Preservation Order on Tuesday 30th November 2021. As you are aware, the council has asked local residents to confirm their support/comments (in respect of the TPO) in writing by Tuesday 28th December 2021.

Ownership of the land

As I understand it, the strip of land encompassing the tree was previously owned by Ronald Charles Maidstone, who developed Lodge Place. I have the original deeds showing this conveyance on 16th December 1983. After undertaking some research, I discovered that Ronald Maidstone passed away on 20th July 2012. I ordered a copy of his will from the Probate Registry, which has identified three named beneficiaries to his estate. I have only just received the will, which I will send to Mark Symonds of Broadland District Council accordingly.

I understand that Broadland District Council is responsible for maintaining the road, pavement and sewage pipes on Lodge Place but that the strip of land on the right-hand side, which includes the tree, is privately owned by Mr Maidstone's beneficiaries.

This leads me to believe that the felling of the tree by those instructed by 97 Thunder Lane would in fact be an illegal act, according to the Forestry Commission, particularly in the absence of a felling licence.

Evidence of risk

Neither the residents of Lodge Place nor I have received any expert evidence concluding that the tree is a danger to the residents of 97 Thunder Lane. Without this, we cannot begin to consider any support for the felling of such a magnificent tree. Despite requesting the same, we have not been provided with details of the local 'tree surgeon' that agreed to fell the tree.

Social benefits

The tree is grand and striking. It can be seen from all the surrounding roads, Thunder Lane, Hillcrest Road and Hilly Plantation. The tree is in keeping with the natural area around Thunder Lane, which as you may be aware, is tree lined throughout. The area from the roundabout at Hillcrest Road to just before the turn off at Hillside Avenue is a beautifully tree lined stretch of road. It is a wonderful area of nature and tranquility, including a conservation area which starts on Thunder Lane from our address.

To have the benefit of living in this area is something that my family and I are very grateful for and enjoy every day. The area is a peaceful haven in a bustling suburb. The loss of the tree would dramatically affect the feeling of peace, tranquility, and nature in the surrounding area, due to its size and impact.

On a personal note, having recently read Enid Blyton's novel, my son calls it the Faraway Tree. It is large and majestic enough that it could possibly lead to different magical lands. This is what he enjoys believing. It is a magical tree for our family and all of those living close to it.

My two young children enjoy watching the squirrels leap from our eucalyptus tree to the tree. The squirrels collect nuts from our garden, leap across Lodge Place and scamper up the tree with them. We also see an abundance of birds flying to and from our garden from the tree. We have spotted jay birds, magpies, wood pigeons, blackbirds, and more, using the tree as their home. We have even heard owls at night.

We suspect that there could be some bat activity and I am currently looking into bat surveys.

Communal benefits

The tree currently provides privacy for and from the houses along Hillcrest Road. The removal of the tree would expose the rear of their houses to us, and the Lodge Place houses to them. As previously stated, many surrounding houses enjoy the spectacular view of the tree, as it towers above most trees in the area. The tree itself is located to the south of 97 Thunder Lane, which means that it would create some shade in their garden. I am concerned that this could be one of the reasons for them wanting to fell the tree.

Environmental Benefits

There is no denying the environmental and health benefits brought to the area by a tree of this size. Not only does the tree improve the quality of the air but it also attracts and homes an abundance of wildlife, as mentioned above.

Economic benefit

From a land owner's perspective, the beauty and nature of our area very much depends upon historical trees being protected. Homes surrounded by nature and, in particular trees, are considered more valuable than those without. By allowing this tree to be felled, one would be devaluing the surrounding properties. I have absolutely no doubt about that. The surrounding trees and nature of the area was one of the main reasons that we bought our property. You only need to stroll down Thunder Lane and Lodge Place to realise the significance of these magnificent trees. The trees in this area are crucial to its ambience and uniqueness.

If the tree is not protected by a Tree Preservation Order and the owners permit the tree to be felled, it would set a precedent which could irreversibly damage, not only the nature, but the feelings of peace and tranquility in this area. Lodge Place and Thunder Lane would completely transform and become 'normal' residential roads.

Conclusion

I wholeheartedly support and request that the current 6 month TPO is made permanent and that this spectacular and significant tree is protected at all costs from any who would seek to remove it.

If I am able to obtain any information that can assist the council, this will be sent to you and/or Mark Symonds. Please do not hesitate to contact me if I can be of any further assistance in this matter.

Yours sincerely,



Rebecca Calthorpe

Robert Thackray Ltd.



tel: 01603 455 331
mobile: 07714 147 685
59 Muriel Road, Norwich, NR2 3NY
e-mail: robert@rthackray.co.uk

5th March 2022

Rebecca Calthorpe
93 Thunder Lane
Thorpe St Andrew
NR7 0JP

Re: Tree survey report reference 22.02.05.

Dear Rebecca,

Please find the enclosed copy of the recent survey of the Monterey cypress tree as undertaken on the 23rd February 2022.

The survey was of a preliminary nature from ground level only.

This survey should not be considered as a definitive report suggesting that the tree is safe. Trees are dynamic living organisms and are therefore subject to constant change. The observations and advice given in the schedule are subject to any recommended works being completed. The information within the schedule is based on observations made during the survey. In many cases it was not possible to fully ascertain the structural integrity of the tree due to hindered visibility, by other trees and vegetation or by physical obstacles. Extreme weather conditions, including storm force winds (Beaufort scale 9 or above) are also considered outside the scope of the survey and its findings. The survey is intended to assess the hazards posed by the tree and propose reasonable control measures to contain the risk of harm in each given circumstance. Please refer to our Terms and Conditions which have been sent to you for further information.

Recommended work to the tree as a result of the survey are included within the schedule.

The tree should be further assessed by February 2024, 24 months from the date of this survey.

If anything needs clarifying, please do not hesitate to call.

Yours sincerely,

Robert Thackray M.Arbor.A, Dip.Arb. (RFS), Tech.Cert. (Arbor.A)
For and on behalf of Robert Thackray Limited.

Tree No.	Species Common name	Species Scientific name	Height (m)	Distance to target (m)	Diameter (mm)	Branch spread (m)				Age class	Health
								Maximum radius	Towards target		
T1	Monterey cypress	<i>Hesperocyparis macrocarpa</i> <i>syn. Cupressus macrocarpa</i>	19	7.5	1000	N	-	7.2	-	M	Good
						E	-				
						S	-				
						W	-				
Assessed by: Robert Thackray Condition: Fair to Good						Recommendations				Timescale for works (months)	
Site and target: on narrow verge alongside Lodge Place to the south of 97 Thunder Lane. Adjacent neighbouring garden and footpath. Houses, garden areas, garages and highway within the immediate area.						None				-	
Rootplate: situated on 1.5 metre wide verge. The footpath has been lifted as have the inner lightweight kerb edges by the roots. The pavement has been re-laid, leaving the inner kerb edges in their lifted state. No apparent distortion of the outer kerbs or the highway. Past trenching work within 1 metre of the trunk.						None				-	
Butt: pronounced buttress to the north due to minor ground level drop to the north. Expected form at the base.						None				-	
Trunk: leans to the east, sweeping more vertically from 5 metres, but overall bias is to the east.						None				-	
Crown form: growth is biased to the south and the east. Lower level pruning to the north has resulted in stubs and an un-natural appearance for the lower crown to the north. Apical dominance lost at around 10 metres. Difficult to obtain clear views due to the density of branching. Branch unions appeared good.						None				-	
Inner crown: sub-dominant side branching as to be expected for the species. Two torn branches, one to the east at 6 metres, partially supported by a dead tree to the east. The branch is still alive. Second torn branch to the south west 5 metres up, 3 metres out from the trunk, likely to have been caught by a high sided vehicle.						Remove torn branches				Non urgent.	
Outer crown: good canopy density and colour. Minor tip die-back at the top to the east, currently of no concern.						Monitor overall health				24	
Additional notes: the tree was inspected after several storm events in mid February (Dudley, Eunice and Franklin). The tree was inspected from ground level only, with the aid of binoculars and from publicly accessible areas only, with access being granted to No. 93 Thunder lane as well. Therefore, the tree was not viewed from close counters to the north. Distant views were made from Hillcrest Road further to the north.											Re- inspect in: (months)
The only recommended work is the removal of two torn and suspended branches and to maintain clearance over the footpath (2.5m) and over the highway (4m) as and when required.											24

Explanatory notes for the tree schedule.

Tree No.	Gives the relevant tree number as shown on the enclosed site plans.
Species	Given in common and scientific names.
Height	To the nearest meter.
Distance to target	Distance in metres to the nearest target from the trunk.
Diameter	Of the trunk, to the nearest 100mm, between 1.0 and 1.5 metres from ground level. Multiple stem trees will be labelled M/S , with a number of stems given and an average diameter, g/l indicates diameter at ground level or just above basal flare.
Branch spread	Either given in compass quadrants from the trunk (N, E, S, W) or Maximum radius , given for an even width canopy, or Towards target , being the crown spread from the trunk towards the nearest target. In metres.
Age class	As estimated for the species of tree and normally expected lifespan, Y = young (first third of lifespan), SM = semi-mature (middle third of lifespan), M = mature (last third of lifespan).
Health	An indication of the trees health and vitality, expressed as good, fair, poor or dead.
Condition	An indication of the tree's structural condition, covering the sub-headings stated within the column.
Site and target	An overview of the trees surroundings and potential target.
Recommendations	Recommended work for each sub-heading within the condition column. If no further action required, none or N/A will be stated.
Timescale for works (months)	Recommended timescale within which to schedule the work, given in months. If urgent, number of days will be stated.
Re-inspect in (months)	Recommended timescale in which to re-inspect the tree.
Additional notes	Further information as necessary.

All dimensions to be treated as estimates unless noted with an '**M**'

N = North

E = East

S = South

W = West

All observations are from ground level.

22.02.05

Ann Arnold

From: [REDACTED]
Sent: 16 December 2021 16:11
To: Planning (BDC)
Cc: Mark Symonds; Mark Symonds
Subject: TPO Cypress Tree Lodge Place

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mark,

I have recently been made aware through correspondence from our neighbours, that there has been need to apply an emergency TPO on a Cypress tree at the entrance to Lodge Place, Thorpe St Andrew.

My understanding is that a neighbour on Thunder Lane wishes to have the tree felled, which would be such a loss for the close.

The tree is situated on Lodge Place, not Thunder Lane and so it is important that the residents of Lodge Place have a say on whether the tree should be protected.

I feel that providing the tree is healthy and poses no danger, it should be preserved. Part of the attraction to living in this location is the beautiful woodland surroundings.

The Cypress tree is a magnificent specimen and is a focal point for the close. We have lots of wildlife in the vicinity and the tree also provides a degree of privacy and screening to the close. It is a very impressive sight.

I do hope that the TPO is made permanent and that the Cypress tree is here for many more years to come.

Kind regards

Sarah Lewins
6 Lodge Place

Ann Arnold

From: Planning (BDC)
Sent: 10 December 2021 12:02
To: Mark Symonds
Subject: FW: TPO Objection - Lodge Place TPO 2021 No 23 (1326)

From: Danielle Axtell-Carty <[REDACTED]>
Sent: 08 December 2021 23:06
To: planning (BDC) <Planning@southnorfolkandbroadland.gov.uk>
Cc: Conservation <Conservation@southnorfolkandbroadland.gov.uk>; Planning Enforcement <planenf@southnorfolkandbroadland.gov.uk>
Subject: TPO Objection - Lodge Place TPO 2021 No 23 (1326)

MR & MRS AXTELL
HILLCREST
97 THUNDER LANE
THORPE ST ANDREW
NORWICH
NORFOLK
NR7 0JP
8TH DECEMBER 2021

NORWICH CITY COUNCIL
CITY HALL
ST PETER'S HALL
NORWICH
NR1

Dear Sirs,

RE: TEMPORARY TREE PROTECTION ORDER

We are the appellants in the above matter.

After much consideration and soul searching, a decision was made to consult an arboricultural professional by way of seeking advice as to the appropriate way forward regarding the appeal tree. It is stressed that any decisions made were not taken superficially. After taking responsible and appropriate steps, regrettably, the conclusion of our survey and ensuing debate was that a professional tree surgeon should be instructed to fell the tree. As good neighbours we took it upon ourselves to advise the immediate neighbours of our intentions in person. Following this the following morning a neighbour made an application for a temporary tree order (hereafter referred to as a TPO), to be place upon the appeal tree.

The basis of the concerns which led to our decision to fell the appeal tree are as follows:-

- (i) The 40ft appeal tree is situated on a small strip of unadopted land that adjoins the boundary of our property

with only a domestic fence separating it - so close is it in situ it leans into the fence and arcs across and above our property and the root is now fully grown into our private land where it's lifted our fence.

(ii) The appeal tree is unattended due to:

- (a) Its size - it has grown to 40ft plus to date.
- (b) The radius of the branches are substantial and have an unmanageable overhang and reach.
- (c) The appeal tree attracts squirrels who use the overhang branches to launch themselves onto the roof and have entered the loft space causing damage. Should they chew through any wiring there is the potential to cause a house fire.
- (d) The Leaves and detritus constantly block the gutters and prevent the free flow and collection of rain water into the environmental water barrels provided by Norwich council.
- (e) we considered solar panels as we are environmentally conscious but due to the height and overhang of the appeal tree which blocks most of the sun and daylight out for significant parts of the day, we were told that it would be a wasted expense.
- (f) The roots of the mature appeal tree have already grown and reached under the road and pathway causing damage which Norwich council have had to repair at the expense of the tax payer, these roots are also fully cemented underneath our property
- (g) In the opinion of a professional tree surgeon the appeal tree has grown too large and is too close to our property being less than 6 meters away. It poses a real threat of root damage to the foundations of the property and is a potential risk to property and life should it be brought down by unpredictable severe weather conditions. He informed us that any tree over the height of 20ft should be a minimum of 15 meters away this is less than 6 and double the height.
- (h) We experience increasing difficulty year on year trying to get insurance at an affordable price because of the close proximity of the appeal tree to the property.
- (i) The appeal tree grows on a small strip of unadopted land and therefore, no one assumes responsibility for this tree.

(j) With regard to (i), the corollary of this is that no one professionally maintains or monitors it with inferred costs.

(k) The exponential growth of the appeal tree is a potential risk to life and property, and is increasingly potentially at risk of Acts of God (see g). We have just witnessed the carnage caused by unpredictable severe weather conditions in the North of England. This causes us to be more worried and stressed about the close proximity of the appeal tree to our house.

Whilst we fully appreciate the visual aesthetics of the appeal tree to immediate neighbours, with all due respect it does not impact on their property or lives. The adjoining houses situated in an urban residential neighbourhood, of mainly two storey dwellings, are surrounded by trees and nearby woodland. Therefore, notwithstanding the public visibility of the appeal tree its contribution to the character and appearance of the area is of relatively low significance due to an abundance of trees and a wealth of green space within the area, which would mitigate its loss.

While it is accepted that alone is not a reason to fell the appeal tree, it nonetheless poses a great risk given its maturity and height, its close proximity to a family residential property, its overhang and orientation which substantially intrudes and violates the parameter of the separating fence thereby, exponentially encroaching onto a private dwelling and the safety of its inhabitants. We are at the point where we are incredibly fearful of how close that size of tree is too our property.

It is argued that the landscape impact of the appeal tree's removal would not have a particularly significant visual impact due to surrounding treescapes. It is further argued that the appeal tree was not protected and therefore not thought to be significantly impactful to warrant a TPO prior to this action.

In terms of proportionality; it carries with it unreasonable maintenance associated with the appeal tree in terms of leaf and detritus (consistent with the species), and in future costs which is an arguable and moot point. Whilst this may not normally be a sufficient reason, it is argued that this allies this to the factor of the suitability of the appeal tree to the site in terms of proportionality. In the longer term the growth potential of the appeal tree is such that pruning to control its size is inevitable, not as a single factor, but the combination with the other factors of poor spatial proportionality and maintenance obligations in relation to the scale of the property, given that it is on unadopted land with no associated responsibility, and the potential risk to life and property given its close proximity to a private family dwelling, are combined factors which must be given significant weight.

In conclusion, whilst the balance between the public amenity value of the appeal tree, with the compromises it causes to the private amenity of the immediate residents is appreciated, the dominance of the tree to the immediate residents at 97 Thunder Lane with the calculated risk it poses, is disproportionate and therefore, private risk and distress must outweigh the complaint of public visibility.

Ultimately the compromises the appeal tree causes to the appellants far outweigh its limited public amenity value.

We would however as discussed directly with our neighbors not object to them planting a replacement tree in the same spot. It should be of modest size so as not to replicate the circumstances of the appeal tree

and planted so it will not grow into our property. With regards to its maintenance it is hoped that a balance can have them be achieved between the public amenity value of a tree on that site and private amenity and safe guarding concerns of the residents who are directly affected at 97 Thunder Lane.

Signed John Axtell & Danielle Axtell

dated 8th December 8, 2021

Danielle Axtell-Carty



Ann Arnold

From: Mark Symonds
Sent: 29 November 2021 14:42
To: Ann Arnold
Subject: FW: Emergency TPO - Lodge Place, NR7 0JP

-----Original Message-----

From: Rebecca Calthorpe [redacted]
Sent: 29 November 2021 14:26
To: Mark Symonds <Mark.Symonds@southnorfolkandbroadland.gov.uk>
Subject: Emergency TPO - Lodge Place, NR7 0JP

Dear Mr Symonds,

I spoke to your colleague, Imogen, earlier today regarding a large cypress tree on Lodge Place (NR7 0JP).

We were notified yesterday that the residents of 97 Thunder Lane (names can be provided) have instructed a tree surgeon to fell the tree this Thursday 2nd December 2021.

The road and pavement on Lodge Place are maintained by Broadland District Council. The strip of land alongside Lodge Place is unregistered land formerly owned by a developer, Mr Ronald Maidstone, who passed away on 20th July 2012. I have ordered a copy of Mr Maidstone's will from the Probate Registry in order to determine the current owners of the land.

I have today spoken with a solicitor who has confirmed that the residents of 97 Thunder Lane have no legal entitlement over that piece of land or, indeed, the tree. The tree could be as old as our property (93 Thunder Lane), circa 1890. It is home to an abundance of wildlife and recognisable to all who live in the area.

The residents of 97 Thunder Lane have not obtained a felling licence nor have they consulted anyone or provided evidence of the tree being a risk/danger to the surrounding properties. They moved into the property less than a year ago. The tree is positioned on the other side of their fence along Lodge Place.

We are respectfully requesting an emergency TPO to be placed upon the tree, which would hopefully prevent the illegal felling of this historical tree on Thursday.

We understand that the residents of both number 1 Lodge Place and number 2 Lodge Place have also been in touch with you.

Thanking you in advance. We await hearing from you.

Kind regards,

Rebecca & Philip Calthorpe
93 Thunder Lane
NR7 0JP
[redacted]

Ann Arnold

From: Mark Symonds
Sent: 29 November 2021 14:41
To: Ann Arnold
Subject: FW: Phone call - Lodge Place

Importance: High

From: Imogen Mole <Imogen.Mole@southnorfolkandbroadland.gov.uk>
Sent: 29 November 2021 12:50
To: Mark Symonds <Mark.Symonds@southnorfolkandbroadland.gov.uk>
Subject: Phone call - Lodge Place
Importance: High

Hi Mark,

Please could you call Rebecca Calthorpe? [REDACTED]
[REDACTED]

Neighbours at 97 Thunder Lane have let them know they have arranged for a large conifer tree to be felled on Thursday;



This tree is on land that is owned by the developer when the Lodge Place development was built out. It's not located on 97 Thunder Lane's property and several others are concerned the loss of the tree would have a big impact on the area. They would like an assessment or pause on the work, there is a suggestion the tree is dangerous.

Thanks

Imogen

Imogen Mole

Conservation & Tree Officer

t (01508) 533727 e imogen.mole@southnorfolkandbroadland.gov.uk



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Appendix 5



TOWN AND COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012

Town and Country Planning Act 1990 The Broadland District Council Tree Preservation Order 2021 (No.13)

The Broadland District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Broadland District Tree Preservation Order 2021 (No.13)

Interpretation

2. (1) In this Order “the authority” means the Broadland District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 30 day of November 2021

The Common Seal of the Broadland District Council
was affixed to this Order in the presence of—


Deputy Monitoring Officer *CM MacKinnon*



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Cypress	TG 26336 09009

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
NONE	NONE	NONE

Groups of trees
(within a broken black line on the map)

Reference on map	Description (including number of trees in group)	Situation
NONE	NONE	NONE

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
NONE	NONE	NONE

BROADLAND DISTRICT

TREE PRESERVATION ORDER

KEY

Individual trees (T1 etc.)

Groups (G1 etc.)
Inner edge of broken line denotes boundary

Areas (A1 etc.)
Inner edge of dots denotes boundary

Woodland (W1 etc.)
Inner edge of line denotes boundary

Scale as shown

Broadland
District Council
Community at heart

Thorpe Lodge, 1 Yarmouth Road,
Thorpe St Andrew, Norwich, NR7 0DU
Tel (01603) 431133
E-mail: conservation@broadland.gov.uk

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2021 No.13

TREE PRESERVATION ORDER

Land adj 97 Thunder Lane, Thorpe St Andrew, NR7 0JP

Scale 1:1,250

Deputy Monitoring Officer

8167

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012

The Broadland District Tree Preservation Order 2021 (No. 13)
Broadland District Council

To; Mr P & Mrs J L Lowndes, 1 Lodge Place, Thorpe St Andrew, Norwich, NR7 0LA

THIS IS A FORMAL NOTICE to let you know that on 30 November 2021 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: A Guide to Tree Preservation Procedures*, produced by the Department of Transport, Local Government and the Regions.

The Council has made the order to safeguard the significant visual amenity and biodiversity value offered by the tree to the immediate area and the wider environment.

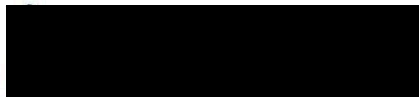
The Order took effect, on a provisional basis, on 30 November 2021. It will continue in force on this basis for a maximum of 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations (*including your support*) about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 28 December 2021. Your comments must comply with regulation 6 of the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Ms T Lincoln (Development Manager) at the address given below. All valid objections or representations are carefully considered before a decision on whether to confirm an order is made. Any comments you make will be available for public inspection. Therefore please be advised that any letter received could not be treated in confidence.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Mark Symonds at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430509.

Dated this 26 day of November 2021



Helen Mellors
Assistant Director of Planning

**COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING ACT
(Tree Preservation) (England) REGULATIONS 2012**

Objections and representations

6(1) Subject to paragraph (2), objections and representations –

- (a) shall be made in writing and –
 - (i) delivered to the authority not later than the date specified by them under regulation 3(2)(c); or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
- (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
- (c) in the case of an objection, shall state the reasons for the objection.

6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected



Ask for: Conservation
Direct Dial: (01603) 430509
Email: conservation@broadland.gov.uk
Our ref: TPO 2021 No.13
Date: 30 November 2021

Mr P & Mrs J L Lowndes
1 Lodge Place
Thunder Lane
Thorpe St Andrew
Norwich
NR7 0LA

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir/Madam

Town and Country Planning Act, 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
The Broadland District Tree Preservation Order 2021 (No. 13)
Land adj. 97 Thunder Lane, Thorpe St Andrew, NR7 0JP

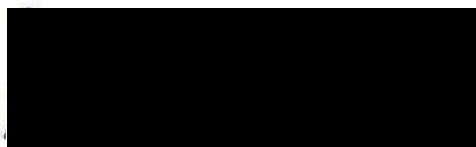
The Council, as Local Planning Authority, has decided that it is expedient in the interests of amenity to ensure the preservation of certain trees on land of which you are the owner and/or occupier, or an owner and/or occupier of adjoining land on which the trees stand.

It is deemed necessary to serve a Preservation Order to cover trees as set out in the First Schedule and Map of the attached Order, to ensure their protection.

The trees in question have been made the subject of a Tree Preservation Order under Section 198 of the Town and Country Planning Act, 1990. A copy of the Order is enclosed, together with a formal Notice of its making.

The Order is of immediate effect. You have the right to object or endorse the Council's actions in protecting trees within your Parish. Particulars are given in the formal Notice.

Yours sincerely



Helen Mellors
Assistant Director of Planning

Broadland District Council
Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU
Tel: (01603) 431133

